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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
SCRANTON

JAN 02 2002

JEROME SMITH

Plaintiff

v.

UNITED STATES OF AMERICA

Defendant.

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CIVIL No. 01-CV-01026

DEPUTY CLERK

(Judge Rambo)

(Magistrate Judge Smyser)

PLAINTIFF'S OBJECTIONS AND ACCORD TO  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

NOW COMES The Plaintiff, Jerome Smith, pro se, and  
hereby does submit objections to the Magistrate Judge Report and  
Recommendation for the following reasons:

1) There is a genuine issue as to material facts that  
the essence and aggravation of injury sustained is non-work related.

Therefore, this Court is requested that no claim be  
dismissed or addressed by way of Summary Judgment until full discovery  
is conducted. It is submitted that full discovery will disclose the  
validity of all of Plaintiff's claims.

It is respectfully requested that a discovery order  
and schedule be submitted.

2) Accord with Report

The Plaintiff is in accord with the report and the law stated therein denying the defendant's motion for summary judgment, and this is further supported by Plaintiff's filed brief.

3) Plaintiff sustained additional injuries to his lower back which were non-work related, and due to negligence by prison officials at both Allenwood Federal Prison Camp and FCI Fort Dix, New Jersey. Thus the medical records are not yet fully developed to determine the extent of these injuries. For Example, the ("BOP") have failed to submit prior (MRI) reports to Dr. Rodwan K. Rajjoub, MD (Neurological Surgery) for comparison to determine Plaintiff's injuries. See (Attached Exhibit "A").

CONCLUSION

Accordingly, for the reasons set forth above, Plaintiff request that this Court submit a order for discovery whereby the facts in this litigation will come to light in favor of the Plaintiff.

Respectfully submitted,

*Jerome Smith*

JEROME SMITH #19145-018  
ALLENWOOD FEDERAL PRISON CAMP  
DORM C  
P.O. BOX 1000  
MONTGOMERY, PA 17752

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH

Plaintiff

v.

UNITED STATES OF AMERICA

Defendant.

:

: CIVIL CASE No. 3:CV-01-1026

:

(Judge Rambo)

:

(Magistrate Judge Smyser)

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**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that he is an inmate  
at Allenwood Federal Prison Camp - P.O. Box 1000 - Montgomery,  
Pennsylvania

That on December 18, 2001, he served a copy of the  
attached

**PLAINTIFF'S OBJECTIONS AND ACCORD TO  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

by placing said copy in a postpaid envelope addressed to the person  
hereinafter named, at the place and address stated below, which is  
the last known address, and by depositing said envelope and contents  
in the United States Mail at Montgomery, Pennsylvania.

**ADDRESSEE:**

Mark E. Morrison Esq.  
Assistant U.S. Attorney  
P.O. Box 11754  
Harrisburg, Pa 17108-1754

*Jerome Smith*

Jerome Smith #19145-018

RODWAN K. RAJJOUB , M.D. F.A.C.S.

*Diplomate,  
American Board of  
Neurological Surgery*

904 Campbell Street  
WILLIAMSPORT , PA 17701

Phone: 570-326-2035  
Fax: 570-326-9220

*Office Hours  
By Appointment*

November 23, 2001

Jerome Smith #19145-018  
Allenwood Federal Prison Camp  
Dorm C  
P.O. Box 1000  
Montgomery, PA 17752

Dear Mr. Smith:

In response to your letter dated November 16, 2001 I reviewed it fully. I would recommend that you bring me the actual MRI films and have an office visit for evaluation and for review of the actual MRI films in order for me to issue a report to you.

Please feel free to call if I can be of further help.

Sincerely,



Rodwan K. Rajjoub, M.D., F.A.C.S.  
RKR/kaf